

Main Office

818 West Seventh Street 12th Floor Los Angeles, California 90017-3435

> t (213) 236-1800 f (213) 236-1825

www.scag.ca.gov

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Riverside County: Jeff Stone, Riverside County
- Thomas Buckley, Lake Elsinore - Bonnie Flickinger, Moreno Valley - Ron Loveridge, Riverside - Greg Pettis, Cathedral City - Ron Roberts, Temecula

San Bernardino County: Gary Ovitt, San Bernardino County - Lawrence Dale, Barstow - Paul Eaton, MontCair - Lee Ann García, Grand Terrace - Tim Jasper, Town of Apple Valley - Larry McCallon, Highland - Deborah Robertson, Rialto - Alan Wapner, Ontario

Tribal Government Representative: Andrew Masiel Sr., Pechanga Band of Luiseño Indians

'antura County: Linda Parks, Ventura County en Becerra, Simi Valley - Carl Morehouse, San duenaventura - Toni Young, Port Hueneme

Orange County Transportation Authority: Art Brown, Buena Park

Riverside County Transportation Commission: Robin Lowe, Hernet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

MEETING OF THE

ENERGY AND ENVIRONMENT COMMITTEE

PLEASE NOTE NEW TIME

Thursday, October 4, 2007 9:00 a.m. – 9:30 a.m.

SCAG Offices 818W. 7th Street, 12th Floor Conference Room – Riverside A Los Angeles, CA 90017 (213) 236-1800

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Deby Salcido at 213.236.1993 or salcido@scag.ca.gov

Agendas and Minutes for the Energy and Environment Committee are also available at:

www.scag.ca.gov/committees/eec.htm

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Energy and Environment Committee Membership

October 2007

Cook, Debbie, **Chair** Clark, Margaret, **Vice Chair** Huntington Beach Rosemead

Members
Bertone, Denis
Brennan, Brian
Carrillo, Victor
Eaton, Paul
Forester, Larry
Gafin, David
Gardner, Nancy
Hanks, Keith
Harrison, Jon
King, Dorothy
Lilburn, Penny
Marchand, Paul
McDowell, Kelly
Montgomery, Richard

Olivas, David J Parks, Linda Uranga, Tonia Reyes Van Arsdale, Lori Washburn, Dennis Young, Toni Zine, Dennis

Nelson, Larry

Representing
SGVCOG
VCOG
Imperial County
Montclair
Signal Hill
Downey
Newport Beach
Azusa
Redlands

Azusa Redlands Gateway Cities SANBAG Cathedral City El Segundo Manhattan Beach Artesia

SGVCOG
Thousand Oaks
Long Beach
Hemet
Calabasas
Port Hueneme
Los Angeles

ENERGY & ENVIRONMENT COMMITTEE

AGENDA

PAGE #

TIME

"Any item listed on the agenda (action or information) may be acted upon at the discretion of the Committee".

1.0 <u>CALL TO ORDER & PLEDGE OF</u> ALLEGIANCE

Hon. Debbie Cook Chair

2.0 PUBLIC COMMENT PERIOD

Members of the public desiring to speak on an agenda item or items not on the agenda, but within the purview of the Committee, must fill out and present a speaker's card to the Assistant prior to speaking. A speaker's card must be turned in before the meeting is called to order. Comments will be limited to three minutes. The chair may limit the total time for all comments to twenty (20) minutes.

- 3.0 REVIEW and PRIORITIZE AGENDA ITEMS
- 4.0 CONSENT CALENDAR
 - 4.1 Approval Items
 - 4.1.1 August 30, 2007 Minutes
 Attachment

1

- 4.2 Receive and File
 - 4.2.1 2007 End of Legislative Session Report
 Attachment

6

Summary of legislative actions in Congress & State Legislature on SCAG-sponsored Legislation & other legislation of interest to SCAG.



ENERGY & ENVIRONMENT COMMITTEE

AGENDA

5.0

6.0

PAGE # TIME **ACTION ITEMS** Orange County Council of Governments 10 Minutes 5.1 Jessica Kirchner, 15 (OCCOG) request regarding the 2008 **SCAG Staff** PEIR for the RTP and RCP Attachment Based upon OCCOG's request, staff will review the approach for the combined RTP RCP PEIR. **Recommended Action:** Confirm the intended approach for the 2008 RTP RCP PEIR. 5.2 Proposed segment selection for 2008 Jessica Kirchner, 20 5 Minutes PEIR Health Risk Assessment **SCAG Staff** Attachment Staff will review the recommended approach for the health risk assessment for the 2008 RTP RCP PEIR, including project sampling. **Recommended Action:** Approve the approach for the RTP RCP PEIR health risk assessment. Hon. Dennis Washburn, WATER POLICY TASK FORCE REPORT Chair SOLID WASTE TASK FORCE REPORT Hon. Toni Young, 7.0 Chair Hon. Debbie Cook, 8.0 **CHAIR'S REPORT** Chair



ENERGY & ENVIRONMENT COMMITTEE

AGENDA

PAGE #

TIME

9.0 INFORMATION ITEMS

9.1 Environmental Justice Workshop

Sheryll Del Rosario SCAG Staff 22

5 Minutes

Staff will provide an overview of information presented at the Environmental Justice Workshop held on September 19, 2007 regarding the 2008 Regional Transportation Plan (RTP).

10.0 STAFF REPORT

Jacob Lieb, SCAG Staff

11.0 FUTURE AGENDA ITEMS

Any Committee member or staff desiring to place items on a future agenda may make such request.

12.0 ANNOUNCEMENTS

13.0 ADJOURNMENT

The next meeting of the Energy and Environment Committee will be held on November 1, 2007, at the SCAG Office, downtown Los Angeles.



Energy and Environment Committee

of the

Southern California Association of Governments August 30, 2007

Minutes

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE ENERGY AND ENVIRONMENT COMMITTEE. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Energy and Environment Committee held its meeting at the Southern California Association of Governments, downtown Los Angeles. The meeting was called to order by Debbie Cook, Chair. There was a quorum.

Members Present

Bertone, Dennis SGVCOG
Brennan, Brian VCOG

Clark, Margaret (Vice-Chair) City of Rosemead

Cook, Debbie City of Huntington Beach

Eaton, Paul City of Montclair
Forester, Larry City of Signal Hill
Gardner, Nancy Newport Beach
Hanks, Keith City of Azusa
McDowell, Kelly El Segundo
Miller, Mike Ex-Officio

Miller, Mike Ex-Officio

Montgomery, Richard Manhattan Beach

Van Arsdale, Lori City of Hemet

Young, Toni City of Port Hueneme

Zine, Dennis Los Angeles

Members Not Present

Carrillo, Victor City of Imperial

Gafin, David Downey

Harrison, Jon City of Redlands
King, Dorothy Gateway Cities
Lilburn, Penny SANBAG
Marchand, Paul Cathedral City

Nelson, Larry

Olivas, David J.

Parks, Linda

Uranga, Tonia Reyes

Washburn, Dennis

Calabasas

1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE

Hon. Debbie Cook, Chair, called the meeting to order at 9:33 a.m. and Hon. Larry Forester lead the group in the flag salute.

2.0 PUBLIC COMMENT PERIOD

Kirk Marckwald, Association of American Railroads, raised concern with SCAG staff's proposal to identify emission reductions from goods movement sources in the RTP and the SIP.

Gail Shiomoto-Lohr, Orange County Council of Governments, raised concern with the SCAG Program EIR: RTP/RCP

3.0 REVIEW AND PRIORITIZE AGENDA ITEMS

4.0 CONSENT CALENDAR

Hon. Larry Forester asked that item 4.2.1 be pulled for discussion.

4.1 Approval Item

4.1.1 Minutes of April 5, 2007

4.2 Receive and File

4.2.1 2007 State and Federal Legislative Matrix

Hon. Larry Forester raised concern with Bill CA 375.

Jeff Dunn, SCAG Staff, stated that this bill would not be considered this year and has been moved to a 2-year bill.

The Consent Calendar was MOVED (Hon. Larry Forester), SECONDED (Brian Brennan), and UNANIMOUSLY APPROVED.

5.0 <u>ACTION ITEMS</u>

5.1 Santa Ana Watershed Initiative: One Water One Watershed

It was MOVED (Hon. Toni Young), SECONDED (Hon. Larry Forester), and UNANIMOUSLY APPROVED to support the comprehensive water management strategy of One Water One Watershed.

Energy and Environment Committee – August 30, 2007 Page 3

6.0 WATER POLICY TASK FORCE REPORT

No Report.

7.0 SOLID WASTE TASK FORCE REPORT

The next meeting of the Solid Waste Task Force is scheduled for September 26, 2007, 10:00 a.m. to 12:00 Noon.

8.0 CHAIR'S REPORT

No Report.

9.0 INFORMATION ITEMS

9.1 Presentation on Geopolymer Concrete

Erez N. Allouche, Ph.D., P. Eng., Louisiana Tech University, provided a presentation on the uses of Geopolymer Concrete.

9.2 <u>Regional Comprehensive Plan Goals, Outcomes, and Action Plan for Air Quality,</u> Water, and Solid Waste

Dan Griset, SCAG Staff, provided information on the draft Water Chapter of the RCP, Christine Fernandez, SCAG Staff, provided information on the draft Solid Waste Chapter of the RCP, and Jonathan Nadler, SCAG Staff, provided information on the draft Air Quality Chapter of the RCP.

9.3 <u>Proposed Program to Promote Comprehensive and Integrated Water Resources Planning in the Region</u>

Dan Griset, SCAG Staff, provided information on a proposed outreach program that will be coordinated with the draft goals and outcomes of the Water Resources Chapter of the RCP.

9.4 Report on Environmental Components of the Regional Transportation Plan

Jessica Kirchner, SCAG Staff, provided an update on the progress and major milestones for the 2008 RTP/RCP PEIR along with other environmental issues associated with the RTP.

9.5 Overview of August 2nd Goods Movement Workshop

Jonathan Nadler, SCAG Staff, provided an update on the information that was presented and ensuing discussion at the August 2nd Workshop.

Energy and Environment Committee – August 30, 2007 Page 4

9.6 <u>Draft Concept Paper: Emission Reductions from Goods Movement Sources</u>

Jonathan Nadler, SCAG Staff, provided an overview of a Concept Paper which explores the use of a pricing/market/incentive based approach to achieving emission reductions.

10.0 STAFF REPORT

No Report.

11.0 FUTURE AGENDA ITEMS

None

12.0 ANNOUNCEMENTS

None

13.0 ADJOURNMENT

The next meeting of the Energy and Environment Committee will be held on October 4, 2007, at the SCAG Office, downtown Los Angeles.

Action Minutes Approved

by:

acob Lieb, Staff

Energy and Environment

Energy and Environment Committee Attendance Report 2007

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Eaton, Paul*		Montclair		×					×	×	×	×	,	×	×					
Forester, Larry		Gateway Cities		×					×	×		×		×	×					
Hanks, Keith*		Azusa		×					×		×	×	×	×	×					
Gafin, David*		Downey		×					×	×			į	×				_		
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King, Dorothy		Gateway Cities		×					×	×		×		×						
Lilburn, Penny		SANBAG					×							_					·	
Marchand, Paul*		Cathedral City	×						×	×										
McDowell, Kelly	2/1/2007	2/1/2007 SBCCOG			×					×	×	×			×					
Miller, Mike	7/12/2007	7/12/2007 Ex-Officio		×										×	×					
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Parks, Linda	7/12/2007	7/12/2007 Ventura Cnty						×			_			×						
Uranga, Tonia Reyes⁴	2/1/2007	2/1/2007 Long Beach		×						×		×		<u>×</u>						
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Young, Toni*		Port Hueneme						×		×	×	×	×		×					
Zine, Dennis*		Los Angeles		×						×	×	×		_	×					
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* Regional Council Member

Doc #131071 2:42 PM1/LJones

DATE:

October 4, 2007

TO:

Regional Council

Community, Economic, and Human Development Committee

Energy and Environment Committee

Transportation and Communications Committee

FROM:

Donald A. Rhodes

Legislative Affairs Manager

SUBJECT:

End of 2007 Legislative Session Report

SUMMARY:

This memorandum summarizes significant legislative actions during 2007 in Congress and the California State Legislature on SCAG-sponsored and supported legislation and other legislation, including bond implementation legislation, of interest to SCAG.

Each year, prior to the commencement of Congress and the California State Legislature, the Regional Council adopts a State and Federal Legislative Program that contains the Regional Council's positions on policies and legislative initiatives that need the leadership and support of Congress and the California State Legislature to successfully meet the major transportation, housing, and environmental challenges facing the SCAG region. The most recent program was adopted in December 2007.

As of this writing the California State Legislature has adjourned, but has been called into special session by the Governor to deal with health care and water issues. The Congress is still in the last month or so of its session and focused on the Iraq War. Pending issues of interest to SCAG include Aviation Reauthorization and transportation appropriations.

SCAG's state legislative priorities for the 2007 session included: Regional Housing Needs Assessment (RHNA) Pilot Program legislation; legislation addressing the air quality crisis in the SCAG region; legislation permitting Tribes to join the SCAG Joint Powers Authority; legislation to enhance the movement of goods and to mitigate or eliminate harmful environmental impacts; innovative financing and public/private partnerships for transportation projects; design-build/design-sequencing authority to expedite project delivery; and implementation of the housing, transportation and water bonds approved by the voters in November 2006.

SCAG's 2007 federal legislative priorities focused upon funding for goods movement projects and efforts to move the environmental clearance process; reauthorization and appropriations under SAFETEA-LU, the nation's surface transportation program; reauthorization of the Federal Aviation Administration legislation; and continued advocacy for innovative financing and public/private partnerships for transportation projects.

Attachment A to this memorandum is a summary listing of legislation for which SCAG supported or took positions and significant measures implementing bond legislation passed by the voters in November 2006.

BACKGROUND:

STATE ISSUES

SB 12 – RHNA Legislation- SCAG Sponsored

A major legislative victory for SCAG during this legislative session was the passage of SB 12 (Lowenthal-D), which establishes a RHNA pilot program for the region. At SCAG's request Senator Alan Lowenthal carried the bill, which was passed by the State Legislature and signed by the Governor as an urgency measure, meaning that it took effect immediately. The passage of the bill was a major success for SCAG, and required extensive consultation with the League of California Cities, the California State Association of Counties and other organizations.

AJR 40 - Air Quality/Health Crisis State of Emergency- SCAG Sponsored

The Regional Council adopted Resolution No. 07-487-2 on May 3, 2007. This resolution addresses the Council's concern about the air quality health crisis in the South Coast Air Quality Basin related to emissions of PM 2.5, caused in major part by diesel emissions from the movement of goods. The SCAG resolution calls upon the Governor to declare a state of emergency and to direct steps necessary to address the emergency. As a further step, SCAG requested that Assembly Member Kevin De Leon author SCAG-sponsored Assembly Joint Resolution (AJR) No. 40, introduced on August 23, 2007. This measure memorializes the President of the United States to declare the existing conditions related to PM 2.5 exposure in the South Coast Air Basin a state of emergency, and urges that immediate steps be taken to rectify the emergency. AJR 40 was assigned to the Assembly Transportation Committee. It is anticipated it will be considered when the legislature reconvenes for the 2008 legislative session. The South Coast Air Quality Management District (SCAQMD) has expressed support for AJR 40. SCAG staff will work during the legislative recess to obtain additional support for AJR 40 from local health and environmental organizations in order to assist swift passage of Assembly Joint Resolution No. 40 in early 2008.

AB 169 - Indian Tribal Governments/JPA- SCAG Sponsored

SCAG sponsored AB 169 (Levine-D) provides for the sixteen federally recognized tribes in the SCAG region to join the SCAG Joint Powers Authority (JPA) to participate in the Southern California Association of Governments by voting at the SCAG General Assembly. AB 169 represents SCAG's 2nd attempt to get this type of legislation passed, following the Governor's veto of AB 2762 in September 2006. AB 169 has passed the Assembly and resides in the Senate Local Government Committee, where it is scheduled to be heard during the 2008 legislative session. The Governor, in his veto message, directed his Office of Planning and Research to work with SCAG and its tribal partners to draft legislation that would authorize tribal participations in SCAG. SCAG has had preliminary discussions with the Governor's staff to address any issues related to tribal governments entering into a JPA with SCAG. SCAG staff and lobbyist will meet with the Governor's staff this fall to proffer language that responds to the Governor's concerns and work to move the bill early in the '08 session.

SB 1028 - Air Quality- SCAG supported

As part of its efforts to address the air quality crisis, SCAG formed an alliance with SCAQMD and supported SB 1028 (Padilla-D). Existing law designates the State Air Resources Board as the state agency responsible for the preparation of the state implementation plan required by the federal Clean Air Act, and requires the state board to coordinate the activities of local air districts to comply with the act. This bill requires the state board to adopt and implement motor vehicle emission standards, in-use

performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution which the state board has found to be necessary, cost effective, and technologically feasible. The bill requires the state board to adopt rules and regulations pursuant to these provisions that, in conjunction with other measures adopted by the state board, the districts, and the United States Environmental Protection Agency, will achieve ambient air quality standards, and if necessary to carry out this duty. The bill passed the legislature on September 5, 2007, and is at the Governor's office as of September 11, 2007.

SB 974 - Port Container Fee Legislation-SCAG Supported - work with author

SB 974 (Lowenthal-D) requires the Ports of Los Angeles, Long Beach, and Oakland to collect a user fee to fund congestion management and air quality improvement projects. The fee will be assessed to the owner of container cargo moving through the respective ports at a rate not to exceed \$30 per TEU. The Regional Council directed staff to take a 'Support – Work with Author' position. SCAG staff worked with the author's staff to encourage amendment of the bill to include more local control and input on the use and allocation of the fees in the region. SB 974 was subsequently amended on September 5, 2007, to provide for much greater local control on fee allocation, including a consulting role for SCAG in the process. SB 974 is a two-year bill and resides in the Assembly 3rd Reading file where it will be taken up in 2008. SCAG will continue to monitor and support the measure.

SB 61 - Public-Private Partnerships- SCAG Supported

SCAG has worked closely at both the state and federal levels to encourage the expanded use of public-private partnerships to fund needed transportation infrastructure as public funding for those projects has become scarcer. It supported SB 61, (G.Runner-R) which 1) expands the use of public private partnerships to include toll roads; 2) eliminates the four-project limit (provided by AB 1467 - Chapter 32- Nunez of the 2005-2006 legislative session) to the number of lease agreements that Caltrans or an agency, as defined, may sign with public and private entities for the construction of additional highway or rail transportation projects designed to improve goods movement; and 3) removes the requirement that a proposed lease agreement be approved by the Legislature. SB 61 is a two-year bill; it has passed the first house and is held in the Senate Transportation Committee where it will be heard next year.

Of significance to SCAG is that certain of the concepts in public-private partnerships that SCAG has advocated related to performance reviews and other criteria are contained in SB 82, which is a budget trailer bill that makes various statutory changes to implement programmatic and technical changes to the Judicial Branch and the Department of Justice (DOJ) to implement the 2007-08 Budget package. SB 82, (Committee on Budget and Fiscal Review) which has been signed into law, says, in part:

(b) In reviewing any court facility proposal that includes a public-private partnership component, the Director of Finance shall take into consideration any terms in the proposal that could create long-term funding commitments and how those terms may be structured to minimize risk to the state's credit ratings. Following the approval of any court facility proposal of the Director of Finance, the Judicial Council shall notify the Joint Legislative Budget Committee of the performance expectations and benchmark criteria for the proposal at least 30 days prior to the release of initial solicitation documents for a court facility project. If the Joint Legislative Budget Committee does not express any opposition or concerns, the Judicial Council may proceed with the solicitation 30 days after giving that notice.

Bond Legislation

During the previous legislative session SCAG closely worked with the state legislature on the transportation and housing bonds that were subsequently approved by voters in November 2006. During this session of the legislature SCAG worked with the State Legislature to provide that the implementing legislation contained SCAG's legislative priorities.

SB 9 & 19 -Transportation related

SB 9 and SB 19 (Lowenthal – D) – are the current primary legislative vehicles guiding the allocation of bond monies for trade corridors for both project selection and emissions reduction. SCAG legislative staff worked closely with legislative and committee staff to ensure that regional interests were represented in these bills, including specifically amending SB 9 to include SCAG and the Ventura County Transportation Commission, among the listed entities in the bill, for consultative roles. Both these measures are two year bills and will be considered when the state legislature reconvenes. SCAG will continue to monitor these measure and work to implement positions identified in the adopted State and Federal Legislative Program.

SB 88 - Transportation related

SB 88 (Senate Budget and Fiscal Review Committee), which has been signed by the Governor, appropriates \$350,000,000 from the Local Street and Road Improvement, Congestion Relief and Traffic Safety Account, created by the transportation bond act, for allocation by the Controller to cities and counties. It designates administrative agencies for each of the programs funded by the bond act, including the California Transportation Commission, the State Air Resources Board, the Controller, the Office of Homeland Security, the Office of Emergency Services, or the Department of Transportation. The bill imposes requirements on these agencies relative to adopting program guidelines, making of allocations of bond funds, and reporting on projects funded by the bond funds.

SB 86 – Housing related

The Housing and Emergency Shelter Trust Fund Act of 2006 authorizes the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to finance various existing housing programs, capital outlay related to infill development, brown field cleanup that promotes infill development, and housing-related parks.

SB 86 (Senate Budget and Fiscal Review Committee), which has been signed into law by the Governor, establishes the Infill Incentive Grant Program of 2007, which requires the Department of Housing and Community Development, upon appropriation by the Legislature of the funds in the Regional Planning, Housing, and Infill Incentive Account, to establish and administer a competitive grant program to allocate funds to selected capital improvements projects related to qualifying infill projects or qualifying infill areas. The bill requires the California Pollution Control Financing Authority, in consultation with the Department of Housing and Community Development, upon appropriation by the Legislature of the funds in the regional Planning, Housing and Infill Incentive Account, to administer loans or grants under the California Recycle Underutilized Sites (CALReUSE) Program for the purpose of brown field cleanup that promotes infill residential and mixed-use development, consistent with regional and local land use plans. The bill appropriates \$240,000,000 and \$60,000,000, respectively, from the Budget Act of 2007 for the Infill Incentive Grant Program of 2007 and for CALReUSE in the 2007–08 fiscal year.

SB 586- Housing related

As noted above, the Housing and Emergency Shelter Trust Fund Act of 2006, authorizes the issuance of bonds in the amount of \$2,850,000,000. The act also establishes the Housing and Emergency Shelter Trust Fund of 2006 in the State Treasury and requires the sum of \$1,500,000,000 to be deposited in the Affordable Housing Account, which the act establishes in the fund. The act continuously appropriates the money in the account in accordance with a specified schedule that requires, among other things, the transfer of the sum of \$100,000,000 to the Affordable Housing Innovation Fund, which the act establishes in the State Treasury, to be administered by the Department of Housing and Community Development and expended for competitive grants or loans to sponsoring entities that develop, own, lend, or invest in affordable housing, and to create pilot programs to demonstrate innovative, cost-saving approaches to creating or preserving affordable housing.

SB 586 requires the funds in the Affordable Housing Innovation Fund to be allocated in the amount of \$50,000,000 for the Affordable Housing Revolving Development and Acquisition Program, of which \$25,000,000 would be made available to the Loan Fund and \$25,000,000 would be made available to the Practitioner Fund; \$5,000,000 for the Construction Liability Insurance Reform Pilot Program, which this bill establishes within the department; \$35,000,000 for a local housing trust fund matching grant program established under a provision of existing law; and \$10,000,000 for the Innovative Homeownership Program, which the bill requires the department to develop and implement.

AB 1457- Parks and recreation: state parks: roads - SCAG Opposed

AB 1457 (Huffman –D) would have prohibited a state or local agency from funding the construction of, seeking funding to construct, or authorizing or approving the construction of, a road, that will physically encroach upon a state park. AB 1457 removed the long-established and federally mandated transportation planning process from the hands of regional transportation agencies.

Further, AB 1457 would have specifically prevented the construction of the SR-241 Foothill Transportation Corridor South, a project contained in SCAG's Regional Transportation Plan. This project would extend the SR-241 from its current terminus at Oso Parkway in Rancho Santa Margarita south to Interstate 5 near San Clemente. This route will involve traversing San Onofre State Park. This project represents the final piece of the Orange County toll road system, and is a Transportation Control Measure that is part of the SCAG region's effort to seek air quality conformity.

Based upon the foregoing, the Southern California Association of Governments urged the Assembly Water, Parks & Wildlife Committee to oppose AB 1457. The bill remained in committee.

FEDERAL ISSUES

USDOT EIS Grant Application

On the federal legislative front, SCAG held a very successful meeting with U.S. Secretary of Transportation Mary Peters in June of 2007. SCAG elected officials Dennis Washburn, Harry Baldwin, and Jon Edney, accompanied by SCAG staff, met with Secretary Peters and senior USDOT staff to request specific, grant funding for advance planning, alternatives analysis, EIS and preliminary engineering work for a new, regional goods movement infrastructure system. SCAG seeks \$50M this year of a \$200M total request for system improvements, which will likely include truck-ways along the 710

corridor and an extensive high-speed regional transport freight delivery system. The goal of this massive system design is to meet the challenges of the burgeoning demand to move more goods through the region to the rest of the country while reducing emissions as required by federal law. SCAG legislative staff is seeking assistance of California members of Congress, including Senators Boxer and Feinstein and the Southern California Regional Congressional Delegation, to urge the USDOT to approve and fund this grant request.

Federal Tax Credit Equity Finance Legislation

SCAG has successfully secured the commitment of Congressman Xavier Becerra to carry tax credit equity finance legislation that has been in development over the past few years, modeled closely on the New Market Tax Credit legislation passed by the Congress and established by the Community Renewal Tax Relief Act of 2000, to provide financial incentives for private investment in goods movement and mitigation projects. Tax Credit Equity financing allows for investors to contribute up-front capital to fund a portion of project costs (roughly 1/3 of total project costs), and in return receive annual tax credits. The balance would be debt financed and/or financed through flexible TIFIA loan structures as well as local project sponsor contributions. SCAG is working through its federal lobbyist to receive technical assistance to render the bill in final form for delivery to Congressman Becerra's staff this fall, whereupon we will work with the Congressman to introduce as soon as possible.

SAFETEA-LU Reauthorization and '09 Appropriations Request

SCAG Legislative staff has identified a number of potential provisions for inclusion in the coming State and Federal Legislative Program related to the next federal transportation reauthorization measure. These include existing and prior reauthorization policies, such as establishment of a dedicated Goods Movement Trust Fund, Improved Environmental Clearance Process, Regional Airport System with Improved Off-Airport Ground Access, and Flexible Financing Strategies; along with new policy objectives such as Enhanced Technologies Deployment, Hybrid and Alternative Technology Vehicle fees, and greater use and authority to pursue Urban Partnership Agreements. During development of the 2008 Legislative Program proposals will be brought to the policy committees in November and the Regional Council in December.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) created two commissions to study the nations surface transportation system and its financing.

The National Surface Transportation Policy and Revenue Study Commission was created in 2005 under Section 1909 of SAFETEA-LU. The Commission was created, in part, to develop a conceptual plan with alternative approaches, to ensure that the surface transportation system will continue to serve the needs of the United States, including specific recommendations regarding design and operational standards, Federal policies, and legislative changes. The Commission is comprised of 12 members, representing: federal, state and local governments; metropolitan planning organizations; transportation-related industries; and public interest organizations. The Commission is working to examine not only the condition and future needs of the nation's surface transportation system, but also short and long-term alternatives to replace or supplement the fuel tax as the principal revenue source to support the Highway Trust Fund over the next 30 years. The commission is expected to report its recommendations in December of 2007.

Section 11142(a) of SAFETEA-LU established the National Surface Transportation Infrastructure Financing Commission and charged it with analyzing future highway and transit needs and the finances of the Highway Trust Fund and making recommendations regarding alternative approaches to financing transportation infrastructure. These recommendations must address, but are not limited to, the following topics:

(a) the levels of revenue that the Federal Highway Trust Fund will require to maintain and improve the condition and performance of the Nation's highway and transit systems and to ensure that Federal levels of investment in highways and transit do not decline in real terms; and (b) the extent, if any, to which the Highway Trust Fund should be augmented by other mechanisms or funds as a Federal means of financing highway and transit infrastructure investments.

The Commission will have 2 years to complete its work, and its final product will be a report that provides both analysis and recommendations to the Secretary of Transportation, the Secretary of the Treasury, and the Committee on Finance of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SCAG will monitor the reports of these Commissions to determine how their recommendations affect the SCAG region and potential provisions in the next transportation reauthorization measure. Staff will be preparing an appropriations request for the '09 Transportation Appropriations bill consistent with the adopted legislative program.

FISCAL IMPACT:

All work related to this information item is contained within the adopted FY 07/08 budget, WBS# 08-810.SCGS1.

Reviewed by:

Division Manager

Reviewed by:

Department Director

Reviewed by:

Chief Financial Officer

Attachment A Legislation SCAG supported or took positions on and significant measures implementing bond legislation

SCAG Sponsored Legislation

Bill	Topic	Status
AB 169 (Levine-D)	Tribal JPA	AB 169 has passed the Assembly and currently at the Senate Local Government Committee where it is expected to be considered in early 2008.
AJR 40 (De Leon- D)	Addressing air quality crisis	Introduced 8/23, TBD, Assembly Transportation

SCAG Supported or Opposed Legislation

SCAG Supported or C	Topic	Status
AB 630 (Price - D)	Air emissions standards: EPA waiver	SUPPORT - 5/31, Assembly Appropriations, held
AB 1240 (Benoit - R)	RCTC, Design Build, Parris Line	SUPPORT - TBD Assembly Transportation, 2-year
AB 1457 (Huffman - D)	OCTA, Trans. Corridor, Foothill South	OPPOSE - TBD, Assembly Water, Parks & Wildlife
SB 61 (Runner - R)	Transportation, PPP	SUPPORT - TBD, Assembly Transportation - 2-year
SB 375 (Steinberg - D)	Transportation Planning: Models	NO POSITION - 8/22, Assembly Appropriations - 2-year
SB 442 (Ackerman - R)	OCTA, Design Build, SR-22 Phase II	SUPPORT - Failed passage, reconsideration granted, Senate Transportation & Housing
SB 974 (Lowenthal - D)	Container Fee	SUPPORT AND WORK WITH AUTHOR - 9/11 Placed on inactive file.
SB 1028 (Padilla - D)	AQMD, ambient air quality regulation	SUPPORT - 9/11 - Enrolled and sent to Governor
SCR 16 (Negrete McLeod - D)	Gary Moon memorial	SUPPORT - 7/10, Chaptered

Other Legislation of Interest - Bond Implementation

Transportation Bond Legislation				
Bill	Topic	Status		
SB 9 (Lowenthal- D)	Trade corridors - Project selection	8/30, Assembly Appropriations - 2-year		
SB 19 (Lowenthal- D)	Trade Corridors - Emission reduction	TBD, Assembly Appropriations		
SB 45 (Perata- D)	Transit safety	9/12, Enrolled and sent to Governor		
SB 88 (Senate Budget & Fiscal Review Cmt)	Statutory changes - 07/08 Budget - Prop 1B	8/24 - Signed by Governor, Chapter 181		
SB 286 (Lowenthal- D)	Local Streets and Road Improvements	TBD, Assembly Appropriations, 2-year		

Bill	Topic	Status
SB 716 (Perata-D)	Transit bond	TBD, Assembly Transportation to Appropriations
	State-Local	
SB 748 (Corbett-D)	Partnership	8/30, Assembly Appropriations - 2-year
AB 1350 (Nunez- D)	Transit bond	TBD, Senate Appropriations

Other Legislation of Interest - Bond Implementation

Bill		Status
SB 46 (Perata)	Statutory framework for Prop 1C	TBD, Assembly Appropriations Committee
SB 86 (Senate		
Budget & Fiscal	Budget trailer -	
Review Cmt)	housing	8/24 - Signed by Governor, Chapter 179
	Programs \$100 million	
SB 586 (Dutton)	of Prop 1C	9/11 - Sent to enrollment
	Statutory framework	
AB 1053 (Nunez)	for Prop 1C	9/12, Enrolled and sent to Governor
AB 1252 (Caballero)	Low income housing	8/30, Senate Appropriations Committee - 2-year

Water Bond Legislation

Bill		Status
SB 1002 (Perata)	Funding for Delta	9/12, Enrolled and sent to Governor
SB 732 (Steinberg)	Creates and implements several new water programs	9/10 Placed on inactive file, Assembly Appropriations - 12 to 4
AB 1253 (Caballero)	Greening & forestry projects	8/30, Senate Appropriations Committee - 2-year
AB 1489 (Huffman)	Standards and guidance for water bond	8/30, Senate Appropriations Committee - 2-year

Other Significant Legislation

Bill		Status
	Local government:	
SB 303 (Ducheny)	land use planning	TBD, Assembly Local Government

REPORT

DATE:

October 4, 2007

TO:

Energy and Environment Committee

FROM:

Jessica Kirchner, Senior Regional Planner, (213) 236-1983, kirchner@scag.ca.gov

SUBJECT:

Orange County Council of Governments (OCCOG) Request Regarding the 2008 PEIR for

the RTP and RCP

EXECUTIVE DIRECTOR'S APPROVAL:

RECOMMENDED ACTION:

Continue the current approach of preparing a combined Program Environmental Impact Report (PEIR) for the 2008 Regional Transportation Plan (RTP) and Regional Comprehensive Plan (RCP).

BACKGROUND:

On August 30, 2007, Orange County Council of Governments (OCCOG) submitted a letter (attached) requesting that the "environmental processes and environmental documents for the Regional Transportation Plan and the Regional Comprehensive Plan be separated now, to allow both Plans to move forward, yet independently, in their respective discussions, deliberations, environmental clearance and adoption." The letter was directed to the Community, Economic and Human Development (CEHD) Committee, who thereafter took action to have the Energy and Environment Committee (EEC) review the request. The letter from OCCOG provided three reasons for the request:

- 1. The RTP is an urgent regional priority and the Regional Council should focus its efforts to address challenges associated with the RTP.
- 2. Discussion and deliberation of the RCP could endanger the compressed timeline and deadlines of the mandated RTP, making the combined PEIR an unnecessary constraint.
- 3. More time is needed to allow full disclosure and discussion of the ramifications of any state law changes that affect compliance with the proposed RCP.

As discussed at previous meetings, staff has recommended the combined PEIR as the preferred approach. Staff has been following this approach, including issuing a Notice of Preparation for a combined PEIR as required under the California Environmental Quality Act (CEQA). As described below, there are several reasons favoring undertaking a combined PEIR approach, which would allow flexibility during adoption of the RTP and RCP. Briefly, the following are options for the Committee's consideration:

Option (1): Proceed with the combined RTP RCP PEIR. (Staff's recommendation)

This approach follows previous direction of the EEC, and would maintain flexibility for the committees with regard to final adoption of the documents. Briefly, under this option, the Regional Council will have the flexibility to:

- a) Certify a combined PEIR and approve the RTP and RCP at the same time (preferred) or
- b) Certify a combined PEIR and approve the RTP at the same meeting, approve individual chapters of the RCP either at the same meeting or subsequently. This would allow for thorough discussion of each of the chapters prior to adoption. This is the process that was used for the 1996 RCP.

REPORT

Option (2): Separate the two documents (as requested by OCCOG) and prepare two PEIRs, one each for the RTP and the RCP.

This approach is not practicable and would result in additional costs for SCAG. Several procedural milestones have already been met for the combined approach. Separating the documents would likely require recirculation of the Notice of Preparation and another 30 day comment period, which could result in schedule delays for the RTP. Additional costs would also be accrued due to the preparation, circulation and printing of a second PEIR.

While the RCP is a not a required document, it is a multi-year planning effort, which was authorized by the Regional Council in 2002 as part of SCAG's Ten Year Strategic Plan, and in which many committee/board members have been heavily involved. The planning efforts undertaken as part of the RCP have been far reaching, including input from various working groups, task forces and SCAG committees.

Staff agrees with several of the points made by OCCOG, including that the RTP is an urgent regional priority and the RCP should be carefully considered by RC members prior to adoption. To that end, staff seeks to ensure that Regional Council members are made aware of the reasons for recommending proceeding with the combined PEIR. A combined PEIR achieves the following:

- Eliminates duplication in settings/existing conditions; CEQA encourages the streamlining of environmental documents. [CEQA Guidelines Section 15006 encourages public agencies to "reduce delay and paperwork by (l) combining environmental documents with other documents. .."]
- The approach is permitted under CEQA and reasonable given that both documents are on the same schedule, have the same horizon year and deal with many of the same issues.
- The RCP includes policies adopted previously as part of the 1996 RCPG, 2004 Growth Vision, and 2004 RTP as well as new policies. This compilation will guide the Intergovernmental Review (IGR) process and future SCAG actions; as such they should be presented and evaluated together with the RTP rather than separately.

For the reasons described above, staff recommends that SCAG proceed with the current approach and prepare a combined PEIR for the RTP and RCP. This approach is reasonable under CEQA and will provide Regional Council members with the necessary flexibility at the time of certification and adoption to address any remaining concerns regarding the RCP.

FISCAL IMPACT:

Proceeding with the pre	ferred approach	would have no	fiscal impact. Fu	unds for the PEIR	are programmed i	in FY
07/08	()		•			

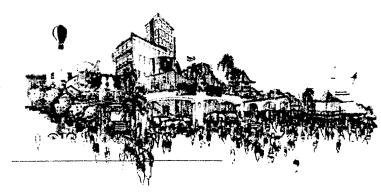
Reviewed by:

Reviewed by:

Department Directo

Reviewed by:

Chief Financial Officer



Cities Aliso Viejo Anaheim Brea Buena Park Costa Mesa Cypress Dana Point Fountain Valley Fullerton Garden Grove Huntington Beach Irvine La Habra La Palma Laguna Beach Laguna Hills Laguna Niguel Laguna Woods Lake Forest Los Alamitos Mission Viejo Newport Beach Orange Placentia Rancho Santa Margarita San Clemente San Juan Capistrano Santa Ana Seal Beach Stanton Tustin Villa Park Westminster Yorba Linda

County of Orange

Agencies

Costa Mesa Sanitary District
East Orange Water District
El Toro Water District
Irvine Ranch Water District
OC Sanitation District
OC Transportation Authority
OC Water District
Transportation Corridor Agencies

ORANGE COUNTY COUNCIL OF GOVERNMENTS

August 29, 2007

The Honorable Jon Edney, Chair Community, Economic and Human Development Committee Southern California Association of Governments 818 West Seventh Street Los Angeles, California 90017-3435

Chair Edney:

RE: SCAG Program EIR for the 2008 Regional Transportation Plan Update and Regional Comprehensive Plan

At its meeting of August 23, 2007, the Board of Directors of the Orange County Council of Governments (OCCOG) discussed three major work efforts underway at the Southern California Association of Governments (SCAG):

- the federal and state mandated 2008 update to the Regional Transportation Plan (RTP);
- the comprehensive update to SCAG's Regional Comprehensive Plan (RCP); and,
- SCAG's proposal to prepare one Program Environmental Impact Report (PEIR) that would environmentally clear both the 2008 RTP Update and the RCP.

The OCCOG Board expresses concern with the pursuit of a combined EIR that would environmentally clear both the Regional Transportation Plan and the Regional Comprehensive Plan, and respectfully urges SCAG to consider a separation of the environmental processes and environmental documents for each Plan. The OCCOG Board's recommendation is based upon the following considerations:

1) Both the Regional Transportation Plan and the Regional Comprehensive Plan are significant undertakings that require extensive consultation and outreach to achieve consensus.

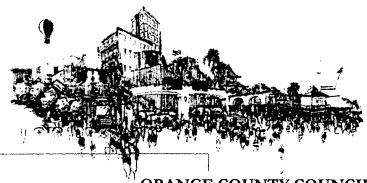
One undertaking, the 2008 Regional Transportation Plan update, is mandated and must be adopted by early 2008 to be forwarded to state and federal agencies for approval.

The other undertaking, the Regional Comprehensive Plan, is a voluntary effort not governed by statute or deadline.

As outlined in SCAG's major issues and framework for the next Regional Transportation Plan, there are significant RTP issues need to be vetted with stakeholders, including the subregions, the county transportation commissions, the private sector, and our air quality agencies in order to achieve an RTP that can meet air quality conformity and address mobility.

The OCCOG Board shares with SCAG's policy committees and its Regional Council its belief that at this point in time, the Regional Transportation Plan is an urgent regional priority, and that we must focus our efforts to address the full plate of RTP challenges and deliver an RTP update and an attendant EIR on time to address federal and state mandates and enable critical transportation projects to move forward.

Page 2 of 3 August 29, 2007 OCCOG Letter to SCAG



ORANGE COUNTY COUNCIL OF GOVERNMENTS

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2) The Regional Comprehensive Plan is akin to a local jurisdiction's General Plan, setting forth policies and action statements on nine subject areas for the six-county SCAG region. It is our understanding that the last Regional Comprehensive Plan was adopted many years ago. Thus, the RCP under development would essentially constitute a new framework of policies for local jurisdictions, special districts and other agencies to consider, in conjunction with new development or re-development proposals.

The OCCOG Board recognizes that public outreach and public comment on the Regional Comprehensive Plan is essential. However, the OCCOG Board also recognizes that the planning and public outreach process on the Regional Comprehensive Plan could and should result in many comments and recommendations that are all valid, but with differing perspectives, which will warrant careful consideration and deliberation.

It is the OCCOG Board's concern that the necessary discussion and deliberations on the Regional Comprehensive Plan could endanger the compressed timeline and deadlines of the mandated Regional Transportation Plan; and that the construct of a single EIR for both the RTP and RCP could pose an unnecessary, but avoidable constraint, to timely RTP adoption.

3) In light of legislative proposals under consideration by State legislators, the guiding measures and action items that are proposed in the Regional Comprehensive Plan could take on a much more significant role than we currently understand. The Regional Comprehensive Plan must receive full public and local review in consideration of the possibility that proposed state legislation could place much more significance on local government implementation of the plan through the linking of transportation funding to consistency between general plans and the RCP. Separating the environmental review for the Regional Transportation Plan and the Regional Comprehensive Plan will allow for a full discussion and disclosure of the ramifications of any state law changes that affect compliance with the proposed RCP.

Further, the OCCOG Board pledges its commitment to undertake its subregional responsibilities and outreach to Orange County jurisdictions, transportation agencies, special districts, resource agencies, the private sector, and public interest groups, to request their review of the Regional Comprehensive Plan and to secure their input and recommendations on the proposed Plan policies.

Based upon these considerations and concerns, it is the OCCOG Board's recommendation that the environmental processes and environmental documents for the Regional Transportation Plan and the Regional Comprehensive Plan be separated now, to allow both Plans to move forward, yet independently, in their respective discussions, deliberations, environmental clearance and adoption.

Respectfully and on behalf of the OCCOG Board of Directors,

Dennis R. Wilberg

OCCOG Interim Executive Director

Page 3 of 3 August 29, 2007 OCCOG Letter to SCAG



ORANGE COUNTY COUNCIL OF GOVERNMENTS

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cc: The Honorable Gary Ovitt, SCAG Regional Council President
The Honorable Alan D. Wapner, Chair, SCAG Transportation and Communications
Committee

The Honorable Debbie Cook, Chair, SCAG Energy and Environment Committee

Mr. Mark Pisano, Executive Director, SCAG

Council Member Art Brown, Chair, OCCOG Board of Directors

Council Member Cheryl Brothers, Vice-Chair, OCCOG Board of Directors

OCCOG Board Members OCCOG Member Agencies

OCCOG Subregional Representatives to SCAG Policy Committees

Mr. Art Leahy, Chief Executive Officer, OCTA

Ms. Bev Perry, SCAG Mr. Darin Chidsey, SCAG

Mr. Miles Mitchell, Chair, SCAG Subregional Coordinators Group

Mr. Kia Mortazavi, OCTA Mr. Kurt Brotcke, OCTA Mr. David Simpson, OCTA Mr. Michael Litschi, OCTA

Ms. Karen Hamman, OCCOG Interim Clerk of the Board

REPORT

DATE:

October 4, 2007

TO:

Energy and Environment Committee

FROM:

Jessica Kirchner, Senior Regional Planner, (213)236-1983, kirchner@scag.ca.gov

SUBJECT:

Proposed segment selection for 2008 PEIR health risk assessment

EXECUTIVE DIRECTOR'S APPROVAL:

RECOMMENDED ACTION:

Approve the approach for the RTP RCP PEIR health risk assessment.

BACKGROUND:

Air quality is an issue of paramount importance in the SCAG region. Statistics from the California Air Resources Board attribute 5,000 premature deaths per year to the poor air quality in the region. Furthermore, SCAG received several comments on the Notice of Preparation for the PEIR relating to the overall quality of the air in the region and specific questions over the health effects of transportation and transportation projects. In response to these concerns, SCAG is preparing a health risk assessment (HRA) as part of the RTP RCP PEIR.

The purpose of a health risk assessment is to help scientists and policymakers identify serious health hazards and determine realistic goals for reducing exposure to toxics, thereby minimizing or eliminating the threat to the general public. In California, the Office of Environmental Health Hazard Assessment (OEHHA) in the California Environmental Protection Agency (Cal/EPA) has the primary responsibility for developing procedures and practices for performing health risk assessments.

As part of the scope of work for the PEIR, SCAG retained a consulting firm, Sierra Research, who is qualified to prepare a HRA, in accordance with the OEHHA standards. This HRA would evaluate health risks associated with selected segments throughout the region. The HRA will include operational segments and will provide a general description of the risk associated with each of the sample segments. Segments would be selected based on highest traffic volume and a sampling from each of the counties would be included. To provide a broad picture of the health impacts in the region small and medium volume segments would be selected for informational purposes.

FISCAL IMPACT:

The cost of preparing a HRA for the PEIR is included in the FY 07/08 budget WBS 07-020.SCGC1.



REPORT

Reviewed by:

Division Manager

Reviewed by:

Department Director

Reviewed by:

Chief Einancial Officer

DATE:

October 4, 2007

TO:

Energy and Environment Committee

FROM:

Sheryll Del Rosario, Associate Planner, (213) 236-1879, delrosar@scag.ca.gov

SUBJECT:

Environmental Justice Workshop

BACKGROUND:

As a government agency that receives federal funding, SCAG is responsible for implementing Title VI of the Civil Rights Act of 1964 and conforming to federal environmental justice (EJ) principles, policies, and regulations. SCAG has a longstanding policy to actively ensure nondiscrimination in all of its activities. Furthermore, SCAG continually identifies and prevents discriminatory effects by actively administering its programs, policies, and activities to ensure that social impacts to communities and people are recognized early and frequently throughout the transportation decision-making process - from early planning through implementation. SCAG conducts public outreach and solicits public participation in the development of its plans, programs, and policies. This participation helps to assure that the public has a voice in regional planning decisions.

Staff has compiled a list of key stakeholders that will be used for environmental justice outreach efforts. This list is comprised of persons and organizations involved with the 2004 RTP, as well as additional stakeholders that were recommended by AQMD's EJ Working Group. Key stakeholder groups included non-profit organizations, advocacy groups, neighborhood coalitions, environmental and public health organizations, industry, business owners, and other interested parties.

On September 19, 2007, SCAG held an Environmental Justice Workshop for the 2008 Regional Transportation Plan (RTP) at the main office in downtown Los Angeles, with videoconferencing available at the Inland office. The intent of the Workshop was threefold: 1) present general information on SCAG's EJ Program; 2) review the previous EJ analysis in the 2004 RTP; and 3) obtain input from the public on the EJ analysis for the 2008 RTP. The comments received will be considered in the analysis for the 2008 RTP.

As part of the on-going outreach efforts, SCAG will hold an EJ Workshop following the release of the draft 2008 RTP. Additional EJ presentations will occur at future RTP workshops and upon request.



FISCAL IMPACT:

Activities related to the Environmental Justice Workshop are contained in the OWP under the work element 08-020.SCGS1.

Reviewed by:

Reviewed by:

Januar for Jacob Liebiger

Land La H. T.
irector Department Director

Reviewed by:

Chief Financial Officer